

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CR. NO. 3:04-0074 (CMC)
)	
v.)	OPINION and ORDER
)	
David K. Simpson,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255. ECF No. 66. A supplement to Defendant's motion was filed on May 3, 2016, arguing that in light of the Supreme Court's holdings in *Johnson v. United States*, 576 U.S. ___, 135 S.Ct. 2551 (2015) and *Welch v. United States*, 136 S.Ct. 1257 (2016), Defendant's sentence should be vacated. ECF No. 71. On May 4, 2016, the Government filed a response agreeing that Defendant's motion should be granted and he should be resentenced to time served. ECF No. 73.

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Order in CR 3:04-0074 filed June 14, 2004, is hereby **vacated**, and this matter is set for resentencing on **Tuesday, May 31, 2016, at 3:00 p.m.**

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
May 5, 2016